

LSK&D #: 564-7015 / 1065282

UNITED DISTRICT COURT OF NEW YORK
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN MAGEE,

Plaintiff, Counterclaim-Defendant,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant, Counterclaim-Plaintiff.
-----X

No. 07 CIV 8816 (WHP)

**AFFIDAVIT OF TIMOTHY
SUTER**

STATE OF ILLINOIS)

ss.:

COUNTY OF COOK)

I, Timothy Suter, being duly sworn, depose and state as follows:

1. I am employed by Metropolitan Life Insurance Company ("MetLife") as a Litigation Specialist. I make this Affidavit in support of MetLife's motion for summary judgment in the above-captioned matter.

2. As part of my job responsibilities, I am familiar with plaintiff John Magee's claim for long-term disability ("LTD") benefits under the Eastman Kodak Company LTD Plan (the "Plan"). MetLife administers claims under the Plan. I am also familiar with MetLife's administrative claim file and records pertaining to Magee's claim, which file and records have been routinely kept by MetLife in the ordinary course of its business.

3. Attached hereto as Exhibit "A" is a true and correct copy of the documents contained in MetLife's administrative claim file for Magee's LTD benefits claim (Bates-stamped ML 0001 to ML 0587).

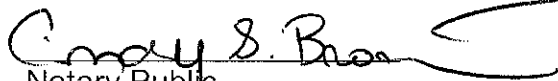
4. Attached hereto as Exhibit "B" are true and correct copies of pertinent excerpts from the Plan's Summary Plan Description ("SPD") (Bates-stamped ML 0611 to ML 0620 and ML 0555 to ML 0565).

5. Attached hereto as Exhibit "C" is a true and correct copy of the Plan Document for the Kodak LTD Plan (Bates-stamped ML 0566 to ML 0587).

6. Attached hereto as Exhibit "D" is a true and correct copy of the Administrative Services Agreement ("ASA") between Kodak and MetLife (Bates-stamped ML 588 to ML 610).


TIMOTHY SUTER

Sworn to and subscribed
before me this 15 day
of August, 2008


Notary Public

